



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,462	10/16/2003	David M. Drouin	rio-6	8868

27087 7590 11/26/2004
MICHAEL B. EINSCHLAG, ESQ.
25680 FERNHILL DRIVE
LOS ALTOS HILLS, CA 94024

EXAMINER

MERCEDES, DISMERY E

ART UNIT PAPER NUMBER

2651

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,462	Applicant(s) DROUIN, DAVID M.	
	Examiner Dismery E Mercedes	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because they include sloppy lettering and lines and FIGs. 3 and 4 mix the "PRIOR ART" with applicant's invention. It is suggested that the applicant present two separate figures for FIG. 3, as well as for FIG. 4, one pertaining to the present invention and the other one labeled as "PRIOR ART", i.e., FIGs. 3A and 4A "PRIOR ART". It is also suggested that the applicant review all the submitted drawings for errors (i.e. page 4, paragraph 0016, line 6, "box 1110" of specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al. (US 6,384,997).

As to Claim 1, Wu et al. discloses a method for writing data on a number of sectors of a track of a disk drive (FIG.1, “10”, “12”) that comprises: sending a signal to write data on a first sector of the track (col. 3, lines 58-60, sending a signal to write data is inherent in Wu’s write operation, note col. 3, lines 65-67, that writing occurs on a sector of a disk); receiving a write data default (col. 3, lines 60-62); sending a signal to write data on another sector of the track after skipping a predetermined number of sectors (col.3, line 64 - col. 4, line 10); waiting for the first sector to be in position again (col.4, lines 7-14 and 42-47); and sending a signal to retry to write data on the first sector if a predetermined number of retries to write data on the track has not been exceeded (col.4, lines 42-47).

As to claim 4, Wu et al. further discloses the predetermined number of sectors to skip is 1, 2 or more (col.3, line 67-col.4, line 7).

4. Claim 2 rejected under 35 U.S.C. 102(b) as being anticipated by Rafanello et al. (US 2001/0010085).

Rafanello et al. discloses a method of reading data from a number of sectors of a track of a disk drive that comprises: sending a signal to read data from the number of sectors starting at a

Art Unit: 2652

first sector of the track (page 2, para. 0030); receiving one or more read data defaults (FIG. 3, "302"); waiting for the first sector to be in position again (Fig. 3, "304"); and sending a signal to retry to read data from sectors of the track that were unable to be read previously if a predetermined number of retries to read data has not been exceeded (FIG.3, "304, 306, 310").

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. in view of Ma.

Wu et al. discloses the features of base claim 1 as noted above in the 102 rejection, but does not disclose that the predetermined number of sectors to skip is 0. Wu et al. discloses as few as 1 skipped sector (col. 4, line 5).

Ma discloses a method of writing data where the predetermined number of sectors to skip is 0 when writing is continued after errors occur (see the front cover, steps 112, 116, 118, 120, writing proceeds at the next sector after an error).

It would have been obvious to one of ordinary skill in the art at the time of the invention to skip 0 sectors in the method of Wu et al. as suggested by Ma, the motivation being elimination of a feature and its function or at the least to attempt writing on all sectors at a first instance and thereby save the time necessary to attempt to write unnecessarily skipped sectors.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2652

- Aoki (US 2001/0010605 A1) for disclosing a read/write control system for a disk drive
- Ma (US 5,588,007) for disclosing a method for detecting transient write errors in a disk drive
- Russell (US 6,327,679) for disclosing a relocating unreliable disk sectors when encountering disk drive read errors with notification to user when data is bad.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E Mercedes whose telephone number is 703-306-4082. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dismery E Mercedes
Examiner
Art Unit 2651



SINH TRAN
PRIMARY EXAMINER

DM